



Alaska Department of Law
Office of the Attorney General

ANNUAL REPORT 2005

David Márquez, Attorney General

2005 Annual Report

WHAT'S INSIDE

Message from the Attorney General	3
Department of Law Mission Statement	4
Department Organizational Chart	5
Protecting Alaskans: Communities, Children and Consumers	6
Criminal Caseload and Staffing: 1996-2006	6
Notable Criminal Prosecutions	7
Crime Briefs from Around the State	7
Bootleggers Get the "Boot"	8
New Resources for Fighting Crime	8
Victims' Assistance	9
Collections and Support	10
U.S. Supreme Court Decisions	10
Protecting Alaska's Children	11
Protecting Consumers	13
Consumer Alerts.....	13
Protecting Alaskans' Finances	13
Multistate Initiatives	14
Regulatory Affairs and Public Advocacy	15
Protecting State's Rights and Resources	16
Oil and Gas Snapshot	17
Statehood Defense Snapshot	18
Environmental Clean Up.....	18
Protecting Alaska's Future	19
Significant Changes to the State's Criminal Laws (2004-05)	19
Significant Changes to the State's Civil Laws (2004-05)	22
Moving On	23
2005 Awards	24



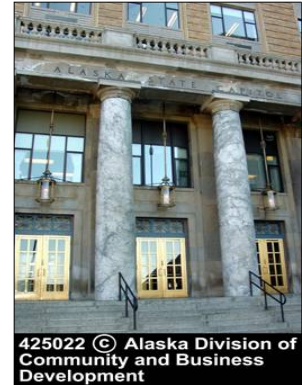
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A Message From the Attorney General



Dear Fellow Alaskans:

I am pleased to present to you the Attorney General's Annual Report highlighting just some of the achievements of the Department of Law for 2005. This is my first year serving the state as Attorney General. In that time period I have grown increasingly excited about the tremendous work that the state's attorneys, paralegals, office assistants and administrative staff perform on a daily basis. It is my privilege to lead such a team of talented and dedicated professionals in fulfilling the mission of the Department of Law.

The Department is divided into three units: the Civil, Criminal and Administrative Services Divisions. The Civil Division is divided into 13 sections that advise and assist the Administration and our state agencies in a wide array of matters ranging from protecting our children to assisting the Governor in his goal of developing our state's vast natural resources. The Criminal Division consists of the Office of Special Prosecutions and Appeals as well as 13 statewide District Attorneys' offices that work to prosecute those individuals that break the law and violate the peace. Administrative Services provides the infrastructure that holds the Department together by ably managing the Department's budget and providing us with the critical communication and case management systems that are necessary to support the legal needs of this country's largest state.

This report is not a conclusive recitation of all the important work and accomplishments of the Department of Law. It is intended to serve as a snapshot examining many of the diverse tasks undertaken to improve the quality of life in Alaska. Our ability to do our job well is the product of the dedication and professionalism of all the Department's employees and the passage of the important laws and budgetary support provided by the Alaska Legislature.

Very truly yours,

A handwritten signature in black ink, appearing to read "David Márquez".

David Márquez,
Attorney General

Department of Law Mission Statement

Mission & Core Services

The mission of the Department of Law is to provide legal services to state government and to prosecute crime. The Department of Law's core services are reflected in its three core divisions also known as results delivery units (RDUs):

The **Criminal Division** RDU protects the public by prosecuting all violations of state criminal law committed by adults, and a large portion of the serious crimes committed by juveniles. The Criminal Division provides assistance to victims and witnesses of crimes and supports the efforts of criminal justice agencies to detect and punish crime through investigation, trial and conviction; it also provides general legal services to the Departments of Corrections and Public Safety relating to their criminal justice activities. The Criminal Division has District Attorney Offices in thirteen Alaskan communities. Susan Parkes is the Deputy Attorney General overseeing the Criminal Division.



Susan Parkes

The **Civil Division** RDU supports the Civil Division of the Department of Law. The Civil Division serves the interests of Alaska's citizens by providing legal counsel to the executive branch in all civil actions. The Division defends and prosecutes all civil litigation to which the state is a party, and handles legal matters for and provides legal advice to the governor, executive branch agencies, and – upon request – the legislative and judicial branches. Craig Tillery is the Deputy Attorney General overseeing the Civil Division.



Craig Tillery

The **Administration and Support Division** RDU includes the Office of the Attorney General and the Administrative Services Division. The Office of the Attorney General provides overall management of the Department of Law. The Attorney General, as principle executive officer of the Department, is responsible for both the legal and administrative aspects of the Department's operations. The Administrative Services Division provides the core administrative services that are essential to the day-to-day operation of the Department of Law and to managing the resources of the Department. Kathryn Daughhetee is the Director of Administrative Services



Kathryn Daughhetee

Alaska Department of Law—<i>David Márquez</i>, Attorney General <i>Vanessa Tondini</i> , Special Assistant to the Attorney General <i>Mark Morones</i> , Special Assistant for Communications	
Criminal Division, <i>Susan Parkes</i>, Deputy Attorney General <i>Dean Guaneli</i> , Chief Assistant Attorney General	Civil Division, <i>Craig Tillery</i>, Deputy Attorney General <i>Nancy R. Gordon</i> , Chief Assistant Attorney General
Special Prosecution & Appeals, <i>Douglas Kossler</i>, Appeals Chief; <i>James Fayette</i> Special Prosecutions Chief	Child Protection <i>Dianne E. Olsen</i> , Chief Assistant Attorney
Juneau District Attorneys' Office <i>Patrick Gullufsen</i> , District Attorney	Collections and Support <i>Stacy Steinberg</i> , Chief Assistant Attorney
Ketchikan District Attorneys' Office <i>Stephen West</i> , District Attorney	Commercial and Fair Business <i>Signe Andersen</i> , Chief Assistant Attorney
Sitka District Attorneys' Office <i>Greggory Olson</i> , Assistant District Attorney	Environmental Law <i>Steve Mulder</i> , Chief Assistant Attorney
Barrow District Attorneys' Office <i>Sara Collins</i> , Assistant District Attorney	Human Services <i>Stacie Kraly</i> , Chief Assistant Attorney
Kotzebue District Attorneys' Office <i>Paul Roetman</i> , Assistant District Attorney	Labor and State Affairs <i>Jan DeYoung</i> , Chief Assistant Attorney
Nome District Attorneys' Office <i>John Earthman</i> , District Attorney	Legislation and Regulations <i>Deborah Behr</i> , Chief Assistant Attorney
Anchorage District Attorneys' Office <i>Bob Linton</i> , District Attorney	Natural Resources <i>Elizabeth Barry</i> , Chief Assistant Attorney
Kodiak District Attorneys' Office <i>J. Michael Gray</i> , District Attorney	Oil and Gas <i>Larry Ostrovsky</i> , Chief Assistant Attorney
Fairbanks District Attorneys' Office <i>Jeffrey O'Bryant</i> , District Attorney	Opinions, Appeals and Ethics <i>Joanne Grace</i> , Chief Assistant Attorney
Dillingham District Attorneys' Office <i>Ben Hoffmeister</i> , Assistant District Attorney	Regulatory Affairs and Public Advocacy <i>Daniel Patrick O'Tierney</i> , Chief Assistant Attorney
Palmer District Attorneys' Office <i>Roman Kalytiak</i> , District Attorney	Torts and Workers' Compensation <i>Gail Voigtlander</i> , Chief Assistant Attorney
Kenai District Attorneys' Office <i>June Stein</i> , District Attorney	Transportation <i>James Cantor</i> , Chief Assistant Attorney
Bethel District Attorneys' Office	Admin Services, <i>Kathryn Daughhete</i>, Dir. <i>Bob Meiners</i>, Deputy Director
<i>Department Organizational Chart</i>	

Protecting Alaskans: Communities, Children and Consumers

Criminal Caseload and Staffing: 1996—2006

Statewide District Attorneys' Offices	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996	1995
Statewide Criminal Caseload											
New Felony Referrals	7220	6880	6477	6101	5513	5471	5629	5633	5504	5224	4739
Felony Probation Revocations and PCRs*	2735	2578	2365	2250	2334	2439	1825	1815	1802	1469	1324
Total	9955	9458	8842	8351	7847	7910	7454	7448	7306	6693	6063
% Increase from 1995	64%										
New Misdemeanor Referrals	22,766	23,074	22,238	22,041	19,997	19,077	18,832	20,442	19,543	20,064	19,685
% Increase from 1995	15%										
Full Time Attorneys in Judicial Districts	83****	73	67	67	64	63	64	62	62	60	59
Office of Special Prosecutions & Appeals											
OSPA Appeal Unit felony appeals/petitions	298**	280	226	250	304***	297***	347***	247	276	230	261
% Increase from 1995	67%										
OSPA Prosecution New Felony Referrals	116	152	98	39	32	36	51	28	25	10	18
Full Time OSPA Attorneys	17.5	16.5	15.5	14.5	13.5	14.5	14.5	11	11	11	10
Total Attorneys: Prosecutors and OSPA	100.5	89.5	82.5	81.5	77.5	77.5	78.5	73	73	71	69

NOTES:

* Post-Conviction Relief (PCR) actions

** adjusted for multiple appeals filed on the same issue

*** not adjusted for multiple appeals filed on the same issue

**** 83 full time attorneys: comprised by Governor's request and legislative approval for funding 6 new prosecutor positions; four of the positions resulted from transferring juvenile delinquency attorneys to the state's district attorneys offices.

Protecting Communities: Notable Criminal Prosecutions

The Criminal Division of the Department of Law successfully prosecutes thousands of felony and misdemeanor cases every year. Here is a brief recap of some of the higher profile criminal cases in 2005.

Former Nome officer convicted of 1st degree murder

This past December Senior Assistant District Attorney Rick Svobodny obtained a first degree murder verdict against Matthew C. Owens – possibly the first murder in the first degree conviction obtained against a former police officer. On August 11, 2003 Owens shot and killed nineteen-year old Sonya Ivanoff in Nome. The first trial ended with a hung jury. The state decided to bring this case to trial once again and obtained a guilty verdict with the assistance of the Alaska State Troopers.

2003 Tenakee Springs homicide ends with a murder conviction

In May, Juneau District Attorney Pat Gullufsen obtained a second degree murder and sexual assault conviction against James Harmon. Gullufsen worked with Alaska State Troopers to make a case that tied Harmon to the murder of Karin Wigen at her cabin. Prior to this crime there had not been a murder in Tenakee Springs since 1906.

Former trooper sentenced for multiple sexual assaults

In August, Former State Trooper Daniel Scott was sentenced for sexually assaulting three Aniak women. Scott previously entered a no contest plea for committing these crimes, which took place between 2002 and 2004. He will spend four years in jail and must register as a sex offender for 15 years after completion of this jail term and any parole that may be available. Scott, an 18-year veteran of the troopers, was arrested in November 2004 after an investigation by AST into reports that he was abusing his law enforcement position to access vulnerable women in the rural community where he had been stationed since 2000. Some events occurred while he was on duty, in uniform, and/or using his patrol vehicle.

Crime Briefs From Around the State



Anchorage ADA Sharon Illsley

FEBRUARY

Anchorage Assistant District Attorney Sharon Illsley obtained a verdict of 2nd degree murder against Lance Hinson. On August 6, 2000, three men walking in a wooded area along the Glenn Highway between Bragaw Street and Airport Heights Boulevard found the nude body of Tina Shangin in the woods. Shangin had been missing for about a month.

ADA Sharon Illsley and former ADA Marcy McDannel obtained a 1st degree murder verdict and 99-year prison sentence against Robert Dorr. Dorr had been convicted of murder in the first degree for shooting his wife at a Tesoro gas station in Spenard.

MARCH

Anchorage ADA Adrienne Bachman obtained a murder in the 2nd degree verdict against Branden Ling for the murder of Delaney Lutz, 13. Ling was sentenced to 99 years.

APRIL

Former Anchorage ADA Marcy McDannel successfully prosecuted Earl Voyles for second-degree murder for the stabbing death of 22-year old Megan Maxwell, a UAA student majoring in psychology.

Palmer ADA Robert Collins obtained a 25 year prison sentence for Daniel Mingo. Mingo plead to the charge of sexual abuse of a minor in the 1st degree. He was charged with sexually abusing two minors.

JULY

Anchorage ADA Taylor Winston obtained a plea agreement against serial rapist Terral Wright. Wright had assaulted three women. He received a sentence of 31 years (with 11 years suspended) and a 10 year probationary period

OCTOBER

Palmer District Attorney Roman Kalytiak successfully prosecuted Aaron Butler for murder in the first degree for killing his mother in 2003. Butler was sentenced to 99-years.

DECEMBER

Fairbanks DA Jeff O'Bryant indicted Marvin L. Wright for the murder of Tricia L. Warren. Warren was killed on September 10, 2005. A determined effort by law enforcement and the DA's office resulted in charges being filed. Wright is currently incarcerated outside Alaska on unrelated charges.

Anchorage ADA Sharon Marshall successfully prosecuted Charles E. Collins for murder in the first degree and tampering with evidence after killing Cynthia Barnes in October 2002. Collins was sentenced to 99-years.



Anchorage ADA Sharon Marshall

Bootleggers Get The "Boot"

Over the last few years a lot of effort has been made to curtail the transportation and sale of bootleg alcohol to "damp" and "dry" communities in rural Alaska. The rate of return for alcohol is so high that many individuals are tempted to make a quick and illegal buck. Assistant Attorney General Andrea Russell, the Statewide Alcohol Interdiction and Bootleg Prosecutor, was responsible for three successful bootlegging prosecutions in Interior Alaska.

- A Kotzebue man was found guilty of selling alcohol in a local option area, a class C felony, and two counts of furnishing alcohol to a minor for selling whiskey to two, 13-year old girls. In 2004 legislation introduced by Governor Frank H. Murkowski made furnishing alcohol to minors in local option communities a felony offense.
- A Shishmaref resident was sentenced in March to five months in jail and was fined \$2500 after pleading to the felony of Liquor Importation into a Local Option Area. This was his first felony offense. The liquor involved here had a street value of approximately \$12,000. A fifth of hard liquor sells in Shishmaref for \$250.
- Several members of a family living in Kotzebue were successfully prosecuted in a trial involving the illegal sale of alcohol in *SOA v. Ferreira*. Kotzebue is a "damp" community. Andrea introduced evidence from five different liquor stores for over 2,300 bottles of whiskey during a 13 month period.

New Resources for Fighting Crime

Governor Murkowski included in his proposed FY2005 operating budget additional funding for 20 new state troopers and six new criminal prosecutors. This year new resources were added to the Criminal Division of the Department of Law that will focus on rural support, sexual assault/domestic violence and cold case prosecutions.

Rural Prosecution Support Team

During the 2005 legislative session the Alaska Legislature approved a budget plan that allowed the Department of Law to apply for, and receive, a \$2 million grant from the U.S. Department of Justice (DOJ) to create a Rural Prosecution Support Team. The team, which will be based in Anchorage, will provide direct support as needed to rural communities statewide. It was created to address high levels of violent crimes, primarily in Western Alaska, tied to alcohol consumption and abuse.

In 1997, 100% of defendants committing homicides in Western Alaska had consumed alcohol. Alcohol was also a factor in 66% of felony assaults, 62% of misdemeanor assaults, 54% of sexual assaults, 48% of offenses against minors and 21% of sexual abuse cases involving minors.

The Rural Prosecution Support Team will consist of three prosecutors, one victim-witness paralegal, and one law office assistant.

Sexual Assault and Domestic Violence Prosecution Units

During the 2005 legislative session the Alaska Legislature also approved a budget plan that allowed the Department of Law to apply for, and receive, \$3.6 million in a DOJ grant to establish three sexual assault and domestic violence prosecution units. Each year, 3300 misdemeanor domestic violence cases, over 500 felony violent crime and kidnapping cases and nearly 600 felony sex cases are referred for prosecution to our state District Attorneys' offices. These cases represent a major portion of our prosecutorial caseload and this funding will go a long way to strengthen the Department's efforts at tackling these crimes.

The DOJ grant will fund the creation of three attorney positions, three paralegals and two law office assistants. These employees will be trained to deal with sexual assault and domestic violence prosecutions, at the misdemeanor and felony level. They will handle these cases from intake through sentencing and will work closely with local law enforcement agencies, medical and other professional experts to develop a team approach for prosecuting these cases.

Cold Case Prosecutor

In November, Juneau Senior ADA Rick Svobodny was appointed Alaska's first Cold Case Prosecutor. This position was funded in last year's Department of Law budget through the efforts of Representative Bill Stoltze (R-Chugiak) and will work closely with the Department of Public Safety's existing cold case investigation unit. The Cold Case Prosecutor position will be part of the Office of Special Prosecutions and Appeals.

Victims' Assistance

In recent years our society, jurists and law makers have turned their attention to another important class of people, inextricably linked to the process and consequences of our criminal justice system – the victims of crime.

Victims of crime have rights under Alaska's Constitution. They have the right to be protected and the right to hear and be heard. They have a right to expect a just result and a timely end to the criminal justice process. They have the right to remain informed and the right not to be harassed. Most of all, they have the right to be treated with dignity, respect and fairness throughout the criminal justice process.

In order to assist in protecting victims' rights, paralegals working in the Criminal Division are provided training that allows them to serve as victim/witness coordinators.



Alaska paralegals honored for work as victim/witness coordinators

In April, the Department's State paralegals were honored for their work as Victim/Witness Coordinators by the Violent Crimes Compensation Board (VCCB). These paralegals received the VCCB's 2005 "Above and Beyond the Call of Duty" award in recognition of their outstanding efforts to assure justice for crime victims. The 26 paralegals honored included: *Elisabeth Schafer* (Sitka); *Sandy Chadwell* and *Kathy VanKirk* (Palmer); *Paul Nolton* (Kotzebue); *Robbin Kessler* (Kodiak); *Christi Rhodes-Mestas* (Ketchikan); *Anna Larouche* and *Suzette Marey* (Kenai); *Blanche Jacobs*, *Jody Lown* and *Victoria Matthews* (Bethel); *Carrie Hulse* (Juneau); *Jolleen Cooper*, *Jonelle Stephens*, *Marja Hallsten* and *Theresa Nault* (Fairbanks); *Ida Backford* (Dillingham); and *Georgia Kustura*, *Natalie Dunlap*, *Nanette Lindsey*, *Louise Hall*, *Kristen Despars*, *Colleen Ouzts*, *Stacey Park*, *Sue Wilson* and *Cynthia Bradford* (Anchorage).



Attorney General David Márquez presents award to Bethel paralegal Blanche Jacobs

Attorney General weighs in on threat to federal victim assistance funding

Much of the funding that all states rely upon to support victims' assistance efforts comes from the Federal Crime Victims Fund created by the Victims of Crime Act of 1984 (VOCA).

When that funding was threatened this year, state attorneys general from all 50 states urged Congress to protect that funding. The attorneys general submitted a joint letter to Congress to express "concern about drastic cuts" of more than \$1.2 billion from the Federal Crime Victims Fund. VOCA funds come entirely from collections from federal criminal fines, forfeitures and special assessments – not from taxpayers. Through grants to state victim compensation programs, victims of violent crimes throughout the country have been able to get help for medical care, mental health counseling, funeral and burial expenses, and other vital services.

Around 4,400 local programs nationwide depend on VOCA assistance grants to provide necessary services to nearly 4 million victims of domestic violence, sexual assault, child abuse, drunk driving, elder abuse and robberies, as well as families of homicide victims and other victims of crime. VOCA is the only federal grant program that supports direct assistance services to victims of every description.

Collections and Support

The Collections and Support Section of the Civil Division collected over \$4.7 million in FY 2005, an increase of over \$500,000 from FY 2004. These collections included criminal fines, costs of appointed counsel, costs of imprisonment, civil judgments owed to the State of Alaska, and victim restitution. Of this amount, the Section collected and disbursed to victims over \$1.5 million in restitution.

U.S. Supreme Court Decisions Create Stir for Alaska Prosecutors

Two U.S. Supreme Court decisions created waves for Alaska prosecutors in 2005. One decision reaffirmed the long-arm of federal law for the potential prosecution of medical marijuana users. Another decision nearly invalidated significant aspects of the state's criminal sentencing statutes.

Medical Marijuana

A priority for Governor Murkowski and the Department of Law is to pass legislation that makes possession of all marijuana, at home illegal under state law. (It is illegal under federal law). This year, the U.S. Supreme Court ruled that users of marijuana for medical purposes can face prosecution under federal law. In *Gonzales v. Raich*, 125 S.Ct. 2195 (2005), the nation's highest court held that the federal government can prosecute individuals in all states for the possession, distribution, or use of marijuana under federal law even if the person has registered with the state to possess marijuana for prescribed medical purposes.

In July, Alaska Attorney General Márquez advised the Department of Health and Social Services that this decision does not prohibit the state from registering medical marijuana users. The Attorney General did note that individuals should be aware that under *Raich*, the federal government can prosecute Alaskans for the possession, distribution, or use of marijuana under federal law even if the person has registered with the state.

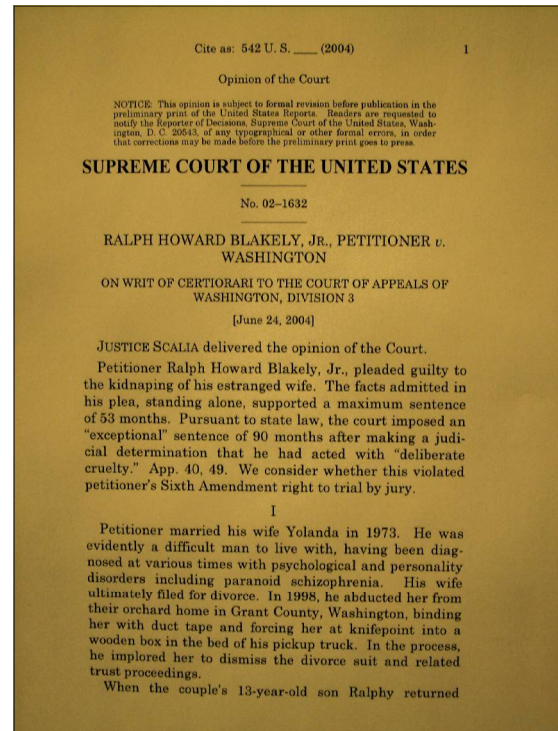
Blakely decision required quick fix to Alaska's criminal sentencing statutes

In *Blakely v. Washington*, 542 U.S. 296 (2004), the U.S. Supreme Court ruled that the Sixth Amendment right to a jury trial requires a jury, not the sentencing judge, to determine whether aggravating circumstances exist to increase a convicted defendant's prison sentence. The decision required that Alaska and 12 other states and the federal government had to change their sentencing systems.

In March Governor Murkowski signed the "Blakely" bill that fixed Alaska's criminal sentencing statutes. For over 25 years Alaska's sentencing statutes provided a statutory baseline for imposing felony sentences. Judges had the discretion to modify these sentences upward based upon the unique facts of each case. The *Blakely* decision created a potential attack on the constitutionality of state law, gave rise to inconsistent trial court rulings and generated numerous appeals. Legislation introduced by Senators Gene Theriault (R-North Pole) and Ralph Samuels (R-Anchorage) created a "presumptive" range of years for felony convictions. Judges will have the discretion to weigh the facts and circumstances of individual defendants to determine an appropriate sentence within the presumptive range.

Protecting Alaska's Children

Protecting Alaska's children is one of the most important tasks facing the Department of Law. One of the most important ways the Department protects Alaska's children is through the prosecution of abuse and neglect cases in confidential, Children in Need of Aid (CINA) cases. This year the Children's Protection Section of the Civil Division participated in approximately 2,000 CINA cases, moving toward the goal of achieving permanency for children, whether it be reunification with their family or other permanent placement, such as adoption or guardianship.



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Most of the time the Department's direct involvement with children involves the unfortunate circumstances of criminal and CINA proceedings. But protecting our children is a broader task than these particular circumstances. This year, the Attorney General had two additional opportunities to educate kids on the dangers of smoking and drinking.

Anti-Smoking effort hits Hollywood

In November the Attorney General Joined with 31 other states' attorneys general in asking Hollywood to add anti-smoking messages to DVDs. All of Hollywood's major motion picture studios were asked to insert anti-smoking public service announcements in all DVDs, videos and other newer home viewing formats of movies in which smoking is depicted. This effort was prompted by a study that found that adolescents with the greatest exposure to depictions of smoking in movies were almost three times more likely to try smoking than their peers in the least exposed group, even after controlling for other known smoking initiation factors.



L to R: Brandon Silveria and Attorney General David Márquez

"Make the Right Choice!" A message to kids about drinking and driving

Brandon Silveria and Attorney General David Márquez spoke at the Alaska Military Youth Academy about the dangers of drinking and driving. As a high school student, Brandon Silveria had a few drinks at a party and made the choice to drive home. He fell asleep at the wheel, crossed the centerline, and crashed into a tree. He was in a coma for nearly three months and spent several years in rehabilitation. Brandon had to relearn how to walk, talk and swallow. He suffers permanent brain damage and dangerous seizures. Today Brandon travels across the country to tell his story through the assistance of the Century Council – a national not-for-profit organization founded in 1991 and funded by distillers to develop programs to combat drunk driving and underage drinking.

Protecting Consumers

Within the Commercial and Fair Business Section, the Consumer Protection Unit is dedicated to investigate and provide consumer education. In 2005, this Unit processed 369 consumer complaints. It also participated in five multistate antitrust matters involving pharmaceutical companies that resulted in favorable settlements for Alaska, including \$280,000 in receipts for consumer protection/antitrust enforcement efforts as well as restitution to affected consumers or state agencies.

The Unit also participated in four consumer education initiatives related to predatory lending practices, identity theft, senior issues, auto repair, business opportunities, and antitrust issues in the petroleum industry. These initiatives were accomplished through media outreach, targeted brochures and presentations to consumer and industry groups. The Division collected \$65,935 in fees for registration of charitable organizations, paid solicitors and telemarketers.

On the education side, last February, during National Consumer Protection Week (NPCW), the Attorney General joined a group of federal, state and local agencies and national advocacy groups, including the AARP, to educate Alaskans on how to minimize the risks of identity theft.



Consumer Alerts

The Consumer Protection Unit issued several consumer alerts to protect Alaskans from giving money and personal information to scam artists out to turn a quick buck. These scams included the following:

- In December a variation of the Nigerian advance fee scam targeted Alaska by soliciting potential victims to share personal information to help settle the estate of the late Alaska Native leader Morris Thompson
- Last November, scammers impersonating court personnel targeted residents in Kodiak threatening them with arrest for failure to report to jury duty in an effort to scare these residents into providing personal information
- Last April, residents of Ketchikan and the MatSu Valley were targeted by international scammers to contribute to the People in Profit System scam—an illegal Ponzi scheme promising tremendous returns for an initial investment of \$450
- Nationwide, the devastating effects of Hurricane Katrina gave rise to numerous reports of scam artists impersonating charitable and other relief organizations to con unsuspecting people out of money
- Hurricane Katrina also gave rise to national concern over potential gas price gouging. No such activity was confirmed in Alaska. The Department issued a Gas Price FAQ in November.

Protecting Alaskans' Finances

The Department of Law works hard to protect the financial resources of Alaskans and the state. Money judgments obtained in civil litigation generally go to the state's general fund. Within the Civil Division, the Commercial and Fair Business and Regulatory Affairs and Public Advocacy Units take a lead role.

In 2005, the Commercial and Fair Business Section successfully litigated, on behalf of the Division of Investments, eight cases involving defaulted loans and obtained judgments totaling \$1,212,009. It also successfully prosecuted and negotiated settlements in a longstanding corporate income tax case that resulted in payment of \$7 million in taxes to the state. One case in particular, the WorldCom settlement, stands out this year.

WorldCom Bond Litigation

In November the Department of Law recovered \$14.2 million as compensation for losses the state incurred on purchases of WorldCom bonds and stocks from 1998-2001. In 2002, WorldCom filed for chapter 11 bankruptcy. At the time the company was the nation's second largest long-distance provider and operated the world's largest Internet network. The state lost about \$26 million that it had invested in WorldCom bonds prior to WorldCom's collapse. The state became a plaintiff in this litigation to recover losses on bond investments not covered in a class action lawsuit filed against the underwriters of these bonds. A majority of the proceeds the state received went to cover bond loss. Some of the recovery is for WorldCom stock loss as well.

Multistate Initiatives

Sometimes joining forces with other states gives Alaska the means and reach to get involved in national litigation focusing on large corporate entities that engage in deceptive business practices or to work with these companies to prevent fraudulent activity.

Western Union Financial Services, Inc.

In November, Western Union Financial Services, Inc., entered into an Agreement with Alaska and 46 other States and the District of Columbia, in response to concerns about the use of the company's wire transfer services by fraudulent telemarketers. Under the Agreement, Western Union will fund an \$8.1 million national consumer awareness program and set out very prominent consumer warnings on the forms used by consumers to wire money.

Vioxx

The state filed a lawsuit in Alaska Superior Court against Merck and Co. in December for consumer protection violations relating to the pain medication Vioxx. The suit seeks damages for purchasers of Vioxx in Alaska (including the state's Medicaid program), and penalties under Alaska's Consumer Protection Act. The Department worked closely with Senator John Cowdery and legislative majority counsel to identify an outside law firm to bring the action, and chose the Lanier Law Firm in Texas. Lanier successfully prosecuted the first Vioxx trial in the U.S. and recovered a \$250 million judgment for the widow of a Vioxx user. There are thousands of Vioxx suits pending against Merck across the country, including suits by several states. The primary allegation is that Merck failed to disclose known risks of taking Vioxx.

Taxol© Settlement

This November the Department of Law donated Taxol© Settlement excess proceeds to Hospice of Anchorage in the amount of \$10,362. The donation is part of a disbursement of funds received by all 50 states and the District of Columbia in a settlement with Bristol-Myers Squibb ("Bristol") in December 2002. Bristol was required to pay about \$62.5 million to the states to reimburse consumers who purchased the drug and to reimburse state agencies for Medicaid and other Taxol© related overcharges. \$12.5 million in excess payouts was set aside for distribution to the states for use toward a cancer cause.



L to R: Marion Richter, Hospice of Anchorage volunteer; Julia Thorsness, Executive Director of Hospice of Anchorage; Ed Sniffen, Assistant Attorney General

State Farm Mutual Insurance Company

In January Alaska joined 48 other states plus the District of Columbia to reach an agreement with State Farm Mutual Insurance Company which resulted in \$40 million in compensation to thousands of car, SUV, and truck owners nationwide. The agreement was reached after State Farm approached the states and indicated that, after an internal review, in a small percentage of cases it was unable to confirm that it had properly titled vehicles it had taken ownership of from policyholders due to damage or theft.

In most states insurance companies taking ownership in such situations must obtain "branded titles," indicating the vehicles are "reconstructed." State Farm's records showed that it had properly titled approximately 2.4 million vehicles in recent years that may have required a "branded title," but that it could not confirm whether a much smaller number may not have been properly titled. Payment will go to the current owners of vehicles that may require branded titles. State Farm also is making a payment of a total of \$1 million to all the state participants for consumer education, future consumer litigation, public protection, local consumer aid funds, and attorney fees and costs.



Regulatory Affairs & Public Advocacy (RAPA)

In June 2004, Governor Murkowski signed Senate Bill 392 which formally created the authority for the Attorney General to intercede as a public advocate to protect Alaskans in matters involving public utilities and pipelines brought before the Regulatory Commission of Alaska (RCA). In that capacity, the Attorney General has had several opportunities to weigh in and protect Alaskans from questionable rate increases.

During FY 2005 the RAPA Section, on behalf of the Attorney General, filed comments or briefs in three dockets and prefiled direct testimony in 16 dockets: seven electric utility rate cases, a statewide refuse utility rate case, a statewide natural gas utility case, a statewide natural gas pipeline utility rate case, seven local exchange carrier telecommunications rate cases and one each water and sewer utility rate cases. Here are some highlights:

Enstar Natural Gas Rate Increase

Attorney General David Márquez asked the RCA to suspend approval of a proposed contract for natural gas supply submitted by Enstar pending further investigation and hearing. Enstar seeks approval from RCA of a gas sales agreement (GSA) with Marathon Oil Company beginning in 2009. The primary concern for the Attorney General was that Enstar was seeking to use a pricing mechanism primarily utilized for exploration purposes to offset increased exploration costs. The natural gas in this case is tied to proven reserves and approving the proposed GSA risks passing these increased costs to the utility's customers.



Cook Inlet, December 2005

Anchorage Wastewater Utility (AWWU)

In September, the Attorney General's efforts helped generate a multi-million dollar rate reduction and refund for customers of AWWU. This was the first rate case for AWWU in nearly 12 years. The RCA agreed with the state's position that \$6 million in already implemented rate increases were not justified to offset increased payments the utility must pay the Municipality of Anchorage (MOA). The Anchorage water utility sought approval from the RCA of an overall rate increase of 22%; the sewer utility sought an overall increase of 15%. Together, these proposed increases total approximately \$10 million. AWWU claimed that a large portion of those proposed rate increases was necessary to cover increased Municipal Utility Services Assessment (MUSA) payments assessed by the MOA. The utility sought to increase rates in order to collect from ratepayers approximately \$6 million in order to pay the corresponding increase in the MUSA to the Municipality. The proposed modification in the MUSA formula would have nearly tripled the utility's MUSA payment rate to the MOA.

Golden Valley Electric Association (GVEA)

Last August, in a matter involving the Golden Valley Electric Association (GVEA), the Attorney General, in his capacity as the Public Advocate before the RCA, obtained a two-percent (2%) reduction in an overall electric rate increase proposed by GVEA. GVEA filed a simplified rate filing with the RCA asking for an 8% increase in its electric rates. The Attorney General elected to participate in the proceeding to represent the public interest under his new authority as the advocate for utility issues. At the hearing before the RCA, the RAPA Section argued that the RCA should disallow from inclusion in rates a \$2.2 million depreciation expense proposed by the utility because the related utility plant was not in service during the entire test year. The Commission ultimately agreed and required GVEA to remove the depreciation expense adjustments and recalculate its requested rate increase accordingly. The result for residential and commercial GVEA customers in the Fairbanks area is a 2% reduction to the utility's requested rate increase, from 8% to 6%.

Protecting State's Rights and Resources

Alaska is the largest state in the country and contains the nation's largest overall acreage of federal land. Alaska is also a state that depends on responsible resource development as the most important component of its economy. The Department of Law's continued responsibility to protect our state's natural resources is often inextricably linked with a separate, but equally critical concern to protect our state's rights.

Image on the right: caribou and North Slope oil facility courtesy of Arctic Power



Glover

In December, Juneau Superior Court Judge Patricia Collins ruled in favor of the state on a constitutional challenge to legislation introduced by Governor Murkowski that requires state-employed seamen to bring work-related injury claims under the state's workers' compensation statutes. Glover was an employee for the Alaska Marine Highway System who claimed he was injured in February 2004 while serving onboard the M/V Tustumena. Previously, seamen were entitled to bring injury claims under the Jones Act

"This decision of the trial court affirmed that the United States Congress did not intend to abrogate state sovereign immunity in enacting the Jones Act," Márquez said. "The court recognizes that the state is entitled to determine the legal remedies available to injured state employees."

- Attorney General David Márquez

Oil and Gas Snapshot

The Oil & Gas Section of the Civil Division:

- Participated in complex and intensive negotiations with the Trans-Canada Corporation and the major North Slope producers under the Stranded Gas Development Act. The Section engaged in drafting detailed contract provisions and analyzing constitutional and other state law issues relevant to the contracts
- Assisted the Departments of Revenue and Natural Resources in analyzing legislative proposals to accelerate oil and gas development in the state and modify the Economic Limit Factor
- Resolved a Loss reopener against a North Slope producer for approximately \$4 million, and also negotiated with the same producer a partial resolution to a Destination Value reopener worth approximately \$30 million. The Destination Value reopener was resolved in 2005 after trial, for a total amount of \$40 million, but the final amount that the State will receive depends on the results of a pending Transportation Cost reopener which may offset to some degree the results from the other reopeners.

SS Aleutian

In December, the State settled with Shoreline Adventures over the fate of a historic sunken steamship the SS Aleutian. The SS Aleutian was an 1898 steamship that sank off the coast of Kodiak in 1929. Pursuant to the settlement agreement, Shoreline can conduct artifact recovery dive expeditions upon receiving approval of a plan of recovery for those artifacts from the state the state Office of History and Archaeology (OHA). Shoreline will also be required to prepare an assessment of environmental risk of an oil release emanating from the vessel prior to conducting any recovery expeditions to the shipwreck site.

Clean Water Act Amicus Brief

Also this December, in a case with significant state's rights implications, the state filed an amicus brief with the U.S. Supreme Court over a legal dispute regarding the reach of federal jurisdictional limitations over wetlands under the Clean Water Act (CWA). The court is reviewing two consolidated cases where the primary issue under review is whether wetlands located long distances from, or not directly connected to "navigable waters" should be deemed "adjacent" under the CWA for purposes of exercising federal permitting jurisdiction by the Army Corps of Engineers. Alaska contains 174 million acres of wetlands, more wetlands than all of the other states combined.

Kensington Mine Lawsuit

In September, the state intervened in a federal lawsuit filed by conservation and environmental groups challenging the approval of a discharge permit for the Kensington gold mine project. The Kensington Gold project, located near Juneau, Alaska, represents the largest mining project in Southeast Alaska in years. The project is estimated to recover one million ounces of gold over ten years and generate nearly \$2 million in mining licensing taxes and an additional \$3.5 million in corporate income taxes.

Last May, the project was given the go ahead after state agencies issued 12 separate permits. In June, the Army Corps of Engineers issued a section 404 permit under the Clean Water Act, 33 U.S.C. Sec. 1344, allowing mine tailings to be transferred as permissible “fill” into nearby Lower Slake Lake. These actions followed the release of a final supplemental environmental impact statement prepared by the U.S. Forest Service showing that the proposed project could go forward with minimal environmental impacts.

State of Alaska v. Gail Norton—A question about water rights

In another case with important state’s rights implications the Department of Law decided to continue its legal challenge against the Department of the Interior to invalidate 1999 regulations that unlawfully reserve water rights on and adjacent to federal conservation units within certain areas of the state. The decision was made in response to a ruling by the U.S. District Court for the District of Columbia, which ordered that the case, *State of Alaska v. Gail Norton*, be transferred to the U.S. District Court in Alaska. In 1995, the 9th Circuit Court of Appeals ruled in the Katie John case that the federal subsistence priority included in the Alaska National Interests Lands Conservation Act (ANILCA) applied to certain navigable waters. Federal jurisdiction over those waters exists only when there is a federally reserved water right. The Department of the Interior was instructed to adopt regulations to identify and justify the nature of those federal reserve water rights exist as they relate to ANILCA.

This lawsuit challenges the 1999 regulations on three grounds. First, the regulations expand federal jurisdiction to include waters that are adjacent to and even downstream from federal lands in ways not authorized by the Katie John decision or the Supreme Court. Second, the regulations would seek to apply to marine waters beyond the mean high tide mark – an application that is contrary to ANILCA and the reserved water rights doctrine. Finally, the regulations claim jurisdiction over state and private lands and waters despite the fact that ANILCA is limited to public lands.

Statehood Defense Snapshot

State attorneys:

- Argued before the United States Supreme Court on the issue of title to the submerged lands in Glacier Bay National Park
- Filed a new lawsuit against the United States challenging the manner in which the federal agencies applied the Federal Reserved Water Rights doctrine in federal subsistence regulations
- Argued the Manning case, a challenge to the state’s Tier II subsistence hunting scoring criteria
- Continued to file new applications with the Bureau of Land Management for recordable disclaimers of interest (RDI) for lands underlying navigable waters. The state has now filed a total of 13 applications to BLM for thirty-one water bodies, and has received a number of RDIs from BLM.
- Filed a new quiet title action against the United States to quiet title to two RS 2477 rights-of-way in northern Alaska.

Environmental Clean Up

Protecting and ensuring the responsible development of Alaska’s abundant natural resources also requires that the Department of Law maintain a vigilant eye to ensure that individuals and other entities that run afoul of environmental laws be held accountable for their actions.

In FY2005 the Environmental Section of the Civil Division recovered over \$1.1 million for state costs and penalties related to violations of state environmental laws and obtained cleanup agreements with polluters with an estimated value of over \$81,235,000 for a total benefit to the state of over \$82 million.

Greenpeace

Ironically, the Department of Law found itself in the unusual position of bringing charges under our state environmental laws against an environmental organization – Greenpeace. This year a Ketchikan District Court jury convicted Greenpeace, Inc., and Captain Arne Sorensen of violations of Alaska’s oil spill contingency plan regulations. The Office of Special Prosecutions & Appeals (OSPA) filed charges in July 2004 after the Greenpeace vessel M/V Arctic Sunrise entered Alaska waters without having filed an oil spill contingency plan, as required by state law. After the violation was brought to the attention of the ship’s crew, the vessel pulled anchor and continued on its voyage through Southeast Alaska. Assistant Attorney General James Fayette successfully represented the state. Despite the favorable verdict the trial judge dismissed the case for insufficient evidence. This matter is currently on appeal.

Protecting Alaska’s Future: Significant Changes to the State’s Criminal Laws 2004 & 2005

In his State of the State Address on January 23, 2003, Governor Murkowski committed his administration to making significant changes to Alaska’s criminal justice system. The Governor recognized the extent to which alcohol and substance abuse continue to be a problem in the state, especially for our children and in our rural communities. He also recognized that alcohol and substance abuse fuel criminal activity.

On June 29, 2004, Governor Murkowski signed nine crime bills into law (17 crime bills became law that year). The legislative centerpiece was SB 170 – the most significant crime package to pass the legislature in eight years.

This legislation covered a broad spectrum of topics, which:

- Prohibited the use of self-defense by individuals who come armed to a felony drug deal or while engaging in felony gang activity
- Made it a misdemeanor for third party custodians to put victims at risk by failing to notify the police when a defendant released to their custody violates court conditions
- Made it a felony offense to drive under the influence of alcohol within ten years of having been previously convicted of felony Driving Under the Influence
- Eliminated the “Big Gulp” defense that allowed drivers pulled over for DWI from claiming that they had drunk a large amount of alcohol just before driving and that the alcohol had not yet impacted their perceptions
- Extended domestic violence six-month protective orders to one year in cases where there was notice to the person subject to the protective order and a hearing



Governor Frank H. Murkowski signing Senate Bill 170—The Omnibus Crime Bill
Reps. Bill Stoltze and Ralph Samuels (L to R) in background

The comprehensive crime bill package was also significant for including provisions targeting bootlegging in rural Alaska. Specifically, the crime package:

- Recognized and allowed communities to adopt lower limits for alcohol possession and importation as part of the local option system
- Strengthened bootlegging statutes; mandating forfeiture of vehicles used in bootlegging

In 2004 alone, Governor Murkowski signed into law a number of bills that increased the consequences for repeat offenders convicted of unlawful exploitation of minors and distribution of child pornography, DWI offenders and people purchasing liquor for minors.

Laws were also passed that strengthened the rights of the victims of crime. Judges are now required to order restitution from criminals in cases where their victims suffered financial loss. The Governor also ensured that the Office of Victims' Rights would continue to provide legal council, education and assistance to crime victims on a permanent basis. That office had been scheduled to terminate in 2006.

In 2005 the most important piece of criminal legislation that was passed came in response to a decision announced by the U.S. Supreme Court in 2004 in the decision *Blakely v. Washington*. In *Blakely*, the court struck down the felony sentencing statutes in Washington State. The broad scope of this legislation identified constitutional infirmities in the sentencing statutes of a number of states, including Alaska. With the full support of Governor Murkowski, attorneys in the Department of Law were able to rewrite Alaska's felony sentencing laws. This was the first major legislation passed during the 2005 legislative session and it passed in the House and Senate by unanimous approval. This legislation was sponsored by Senator Gene Theriault and Representative Ralph Samuels.

2005 Legislation

A number of bills were passed in 2005 that will assist the state in carrying out its duties in protecting Alaskans.

House Bill 88, introduced by the Governor, increases penalties for dealers selling drugs within 500 feet of a shelter or home for troubled or homeless teens. This legislation allows for the automatic waiver into adult court of 16 and 17-year olds who have actually used a gun at a drug deal or participated in a drive-by shooting that risked physical harm to a person.

Bail review legislation sponsored by Representative Ralph Samuels includes a provision submitted by the Governor allowing the victim of a crime to be introduced to a jury in the criminal case. The need for this change grew out of a criminal prosecution involving the murder of Alaska State Trooper Bruce Heck. At trial the judge ruled that the prosecution could not introduce Heck's widow to the jury. Defense attorneys are allowed to introduce defendants to the jury.

Alaska's identity theft crimes were strengthened with the passage of House Bill 131, sponsored by Representative Bill Stoltze. This legislation increases the penalty for committing theft of an access device, fraudulent use of an access device where the value of the property or services obtained was \$50 or more, or obtaining an access device or identification document by fraudulent means from an "A" misdemeanor to a "C" felony.

2004 Legislation

In 2004 the Alaska Legislature passed 17 criminal justice bills. The most significant bill – the Governor's crime bill, (SB 170), was previously discussed. Other important legislation:

- Allowed prosecutors limited access to employment security records in order to locate missing defendants or key witnesses (House Bill 490)

- Raised the penalty for unlawful exploitation of a minor and distribution of child pornography from a class B to a class A felony
- Made it a class C felony for certain individuals who fail to file child support who are otherwise guilty of misdemeanor non-support and who owe \$20,000 or more in support.
- Adopted a 15 year “look back” for imposition of sentence in misdemeanor drunk driving convictions. This will affect both sentences for repeat drunk drivers and eligibility to obtain a limited license. It allows repeat drunk drivers (even under the new “look back” provision) to obtain a limited driver’s license after 90 days from imposition of the revocation if the person has completed an 18 month court-ordered treatment program or uses an ignition interlock device (House Bill 342)
- Makes it a class A misdemeanor to transport a child in a motor vehicle being operated under the influence of alcohol or drugs
- Requires that a defendant accused of a sex offense (or the defendant’s representative) first obtain written authorization from a victim or witness before taking a recorded statement from the victim or witness (House Bill 397)
- Authorized the Commissioner of Public Safety and municipalities to establish domestic violence fatality review teams in cases of death or serious physical injury as a result of domestic violence (House Bill 398)
- Amended the Alaska crime victim notification statute to require that investigating officers and prosecuting attorneys must notify victims of information about the Office of Victims Rights (OVR) including the OVR’s address and contact information (House Bill 438); and
- Extended the termination dates for the pilot therapeutic court programs in Bethel and Anchorage to continue to June 30, 2006 (House Bill 451)

Looking Forward to 2006 – Passing “Meth” and Marijuana Legislation

Two bills introduced by the Governor during the 2005 legislative session will take front-and-center priority in the opening days of the 2006 session: the “meth” and marijuana bills.

The “meth” bill – Senate Bill 70 – would make it manslaughter for a person to manufacture or deliver a controlled substance to another person in violation of Alaska’s drug laws if a person dies as a direct result of ingestion of the substance. It will also raise possession of meth in an organic solution with the intent to extract powdered meth from a class C to a class A felony and makes it a class C felony to manufacture meth in a building where children reside.

The marijuana bill – Senate Bill 74— would increase penalties for possession and use of marijuana in certain circumstances. If passed, this legislation would finally bring state law into conformity with federal law to make possession of marijuana illegal in any amount. This legislation will generate findings based on the most recent scientific studies that show that marijuana represents such a sufficient danger to Alaskans that it would be reasonable to criminalize possession of this drug as a significant health and safety interest for the state. It will also provide a reasonable method for calculating the amount of marijuana involved in a criminal case.



Marijuana plants: photo courtesy of the Alaska Department of Public Safety

Protecting Alaska's Future: Significant Changes to the State's Civil Laws 2004 & 2005

Over the past two legislative sessions the Governor has introduced several important pieces of civil legislation. The Department of Law has advised and guided these efforts from their creation to their implementation.

2003-2004 Session

HB 145: Public Interest Litigant / Attorney Fees

Prohibits enhanced or full awards of attorneys fees and costs in civil actions or appeals by public interest litigants except where the legislature has expressly allowed such fees and costs or claims in civil actions or appeals brought under the United States or Alaska Constitutions.

SB 120: Claims by State Employed Seaman

Asserts the state's sovereign immunity from Jones Act and other maritime claims for injury, illness, or death of state-employed seamen and substitutes workers' compensation coverage for these state employees.

HB 225: Monopoly and Restraint of Trade Actions

Allows the Attorney General to bring a civil action in superior court to secure monetary relief on behalf of the state and its agencies when the state was a victim of a monopoly or restraint of trade action.

HB 245: Suits and Claims: Military / Fire / Defense

Provides immunity from lawsuits to the state, local government, and their emergency workers in four areas of emergency work: search and rescue, firefighting, civil defense, and work of the Alaska National Guard and Alaska Militia.

SB 338: Claims Against State Employees

Provides certification procedures to dismiss individually named state employees sued for acts within the scope of their employment, and substitutes the state as the defendant in the lawsuit.

SB 130: Workers Compensation

In 2005 legislation was enacted that substantially reforms the state's workers' compensation statutes. In order to provide critical repairs to the existing law, this legislation did the following:

- A check was placed halting, temporarily, rising medical rates
- The process for determining reemployment benefits was streamlined
- Stiff penalties were created to encourage all employers to obtain compensation insurance
- Cost-of-living disparities for workers injured in Alaska and living out-of-state were eliminated, and
- New resources were provided to improve the investigation and prosecution of fraud claims.

Perhaps the biggest change to our existing workers' compensation laws was the creation of an experienced Workers' Compensation Appeals Commission. The commission consists of five members, two from labor, two from management and a chair with at least five years legal and workers' compensation experience. A long-time expert in this area of the law and former Assistant Attorney General, Kris Knudsen, was recently appointed to chair the commission.

Creation of this commission will provide two significant improvements to the appeal process. It will:

- Streamline the appeal process and will ensure greater consistency in workers' compensation rulings
- Establish binding legal precedent on workers' compensation board panels. Establishing legal precedent at the administrative level will increase predictability of worker benefits and employer obligations, at less cost and years sooner than under the current system. Decisions by the commission can be appealed to the Alaska Supreme Court.

2004-2005 Session

SB 130: Workers Compensation (discussed in inset on previous page)

HB 88: Minors / Schools / Drugs

Created a new aggravating factor in sentencing for assault type offenses committed on school grounds, a school bus, or the administrative offices of a school district, and automatically waives juveniles 16 years of age or older who commit misconduct involving weapons offenses in the first degree.

Over Both Legislative Sessions

The Department of Law provided legal advice for 66 other pieces of Governor's legislation (including budget-related bills) introduced by the Rules Committees and passed by the Legislature. The Department also provided legal advice to the Legislature on numerous other "friendly" pieces of legislation where the Governor and a legislator cooperated on passage of the bill (as was the case with the *Blakely* criminal sentencing bill).

Moving On

Much of the Department of Law's successes can be attributed to the experience and dedication of our Civil Division Section heads and our District Attorneys. In 2005 several of these people moved on, but they deserved to be acknowledged.

Larry Ostrovsky took over as head of the Oil and Gas Section replacing *Wilson Condon* who retired after many years of noted state service, including serving as the state Attorney General from 1980-1982.

Joanne Grace replaced *Barbara Ritchie* as the head of the Opinions, Ethics & Appeals Section. Ritchie now works as an attorney for the City of Juneau.

Steve Mulder replaced *Craig Tillery* as the head of the Environmental Section. Tillery was elevated to the position of Deputy Attorney General overseeing the Department of Law's Civil Division.

Jan DeYoung took over for *Dave Jones* as the head of the Labor and State Affairs Section. Jones is now the Department of Law's chief ethics attorney in the Opinions, Appeals and Ethics Section.

Scott Nordstrand was appointed the Commissioner of the Department of Administration by Governor Murkowski. Nordstrand previously served as the Deputy Attorney General overseeing the Department of Law's Civil Division.

Jay Fayette took over as head of the Special Prosecutions Section of the Office of Special Prosecutions and Appeals. Fayette replaced *Kevin Burke*, who left Alaska to become an Assistant U.S. Attorney in Illinois.

Dennis Cummings was serving as the Acting District Attorney of the Bethel Office. He left that position after being appointed as a District Court Judge for Bethel by Governor Murkowski.



2005 Awards

Dean Guaneli named prosecutor of the year

Chief Assistant Attorney General Dean Guaneli was awarded Prosecutor of the Year for 2005 at the Annual Alaska District Attorneys' Training Conference.

"Dean's service to the Department transcends the scope of this award. It should read 'Lifetime Achievement Award' because Dean has devoted most of his professional life to this Department."

- Susan Parkes, Deputy Attorney General.



Dianne E. Olsen received the 2005 Civil Leadership Award

Chief Assistant Attorney General and Supervisor of the Department of Law's Human Services Section, received the 2005 Civil Division Leadership Award.

"For 24 years Dianne has served with distinction in the Department of Law. Her skill as an attorney, her experience in the Department and the respect she earned among her peers made her a Section Supervisor. The intangible factors that make certain individuals stand out as exemplary managers made Dianne an admired leader and a perfect choice for this award."

- David Márquez, Attorney General